

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

DEMETRIUS FLOWERS

PLAINTIFF

V.

CASE NO. 3:07-CV-00115-BD

TOMMY GUTHRIE, *et al.*

DEFENDANTS

ORDER

Pending is Defendants' amended motion for summary judgment (docket entry #55). Defendants base their motion on their contention that Plaintiff cannot offer any proof of: 1) any actual physical injury as a result of Defendants' conduct; or 2) excessive force. Defendants further argue that Plaintiff failed to exhaust his administrative remedies before filing this action. Plaintiff has not responded to Defendants' motion.

On June 2, 2008, Defendants filed an additional affidavit (#64) in support of their amended motion for summary judgment. Plaintiff may have ten days from the date of this Order to respond to the new evidence.

In addition, based upon the filing of the additional evidence in this matter, the bench trial scheduled for June 18, 2008, is continued. The Court will notify the parties of the new trial date after ruling on Defendants' amended motion for summary judgment.

IT IS SO ORDERED this 3rd day of June, 2008.



UNITED STATES MAGISTRATE JUDGE